

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED
MAY - 8 2013
U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No.

JAMES BAGGIO,
MARY SUE SCOTT

Defendants.

4: 13CR00169HEA

INDICTMENT

COUNT ONE

The Grand Jury charges that:

INTRODUCTION

1. Sam's Club is a bulk product retailer with stores located throughout the United States, including a number of stores within the Eastern District of Missouri.

2. At all times relevant, **Defendants James Baggio and Mary Sue Scott** were residing in St. Joseph, Missouri.

CONSPIRACY

3. Beginning on or about February 27, 2011 and continuing through on or about October 6, 2012 in the Eastern District of Missouri and elsewhere,

**JAMES BAGGIO, and
MARY SUE SCOTT**

the Defendants herein, knowingly and willfully conspired, combined, confederated, and agreed together to knowingly transport, transmit, and transfer in interstate commerce stolen goods, wares and merchandise, that is, products from Sam's Club stores, of the value of \$5,000 or more,

knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

MANNER AND MEANS OF THE CONSPIRACY

The defendants and co-conspirators accomplished and attempted to accomplish the objects of the conspiracy in the following manner and through the following means:

4. It was part of the conspiracy that the **Defendants James Baggio and Mary Sue Scott** visited Sam's Club locations in a number of states, including a store located within the Eastern District of Missouri.

5. It was further part of said conspiracy that while at a particular Sam's Club, **Defendants James Baggio and Mary Sue Scott** selected either a large container, such as a trash can, or a cheap item that was packaged in a large box, usually "bubble mailer" or "cushion wrap," beverage cups, or pool floats. **Defendants James Baggio and Mary Sue Scott** thereafter removed the contents from the large box and hid them on shelves throughout the Sam's Club store.

6. It was further part of said conspiracy that **Defendants James Baggio and Mary Sue Scott** filled the empty box with a more expensive product, such as razor blades, electronics, or a pet product known as Frontline.

7. It was further part of said conspiracy that **Defendants James Baggio and Mary Sue Scott** took the box containing the more expensive product to the check-out register. There, the cashier scanned the box and charged **Defendants James Baggio and Mary Sue Scott** for the cheaper item. **Defendants James Baggio and Mary Sue Scott** did not alert the cashier that the

box contained the more expensive product. **Defendants James Baggio and Mary Sue Scott** failed to pay for the expensive items, instead paying the lower, incorrect price.

8. It was further part of said conspiracy that upon exiting the store, **Defendants James Baggio and Mary Sue Scott** posted the stolen merchandise for sale on eBay, the online auction website, through **Defendant Mary Sue Scott's** account.

9. It was further part of said conspiracy that once a sale of the stolen merchandise was made, **Defendant Mary Sue Scott** mailed the merchandise to purchasers across the United States from her residence using the United States Postal Service.

10. Purchasers paid for the merchandise by wiring money to **Defendant Mary Sue Scott's** PayPal account which was linked to a bank account of **Defendant Mary Sue Scott**.

12. It was further part of said conspiracy that **Defendant James Baggio** split proceeds from the sales of the stolen merchandise with **Defendant Mary Sue Scott**.

13. It was further part of said conspiracy that **Defendants James Baggio and Mary Sue Scott** stole approximately \$100,000 worth of product from Sam's Club locations in seven different states, and sold that product to purchasers across the United States.

OVERT ACTS

14. In furtherance of and to effect the object of the conspiracy, one or more of the co-conspirators committed and caused to be committed one or more of the following overt acts in the Eastern District of Missouri and elsewhere:

a. On or about September 14, 2012, **Defendants James Baggio and Mary Sue Scott** stole products from the Sam's Club located at 2855 South Service Road, St. Charles, Missouri 63303.

b. On or about September 14, 2012, **Defendants James Baggio and Mary Sue Scott** used **Defendant Mary Sue Scott's** Sam's Club membership with account number ending in 6113 to purchase merchandise from the Sam's Club located at 2855 South Service Road, St. Charles, Missouri 63303 in the amount of \$35.16.

c. On or about June 15, 2012, **Defendant Mary Sue Scott** placed stolen merchandise for sale on her eBay account "missouboys."

d. On or about July 5, 2012, **Defendant Mary Sue Scott** shipped stolen merchandise from a United States Post Office located in St. Joseph, Missouri.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

The Grand Jury further charges that:

15. Paragraphs 1 and 2 of this Indictment are re-alleged and incorporated herein by reference.

CONSPIRACY

16. Beginning on or about February 8, 2012 and continuing through on or about August 2, 2012 in the Eastern District of Missouri and elsewhere,

JAMES BAGGIO,

the Defendant herein, knowingly and willfully conspired, combined, confederated, and agreed with a person referred to herein as T.B., to knowingly transport, transmit, and transfer in interstate commerce stolen goods, wares and merchandise, that is, products from Sam's Club stores, of the value of \$5,000 or more, knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

MANNER AND MEANS OF THE CONSPIRACY

The defendants and co-conspirators accomplished and attempted to accomplish the objects of the conspiracy in the following manner and through the following means:

17. It was part of the conspiracy that the **Defendant James Baggio** and T.B. visited Sam's Club locations in a number of states, including stores located within the Eastern District of Missouri.

18. It was further part of said conspiracy that while at a particular Sam's Club, **Defendant James Baggio** and T.B. selected either a large container, such as a trash can, or a cheap item that was packaged in a large box, usually "bubble mailer" or "cushion wrap," beverage cups, or pool floats. **Defendant James Baggio** and T.B. thereafter removed the contents from the large box and hid them on shelves throughout the Sam's Club store.

19. It was further part of said conspiracy that **Defendant James Baggio** and T.B. filled the empty box with a more expensive product, usually electronics or a pet product known as Frontline.

20. It was further part of said conspiracy that **Defendant James Baggio** and T.B. took the box containing the more expensive product to the check-out register. There, the cashier scanned the box and charged **Defendant James Baggio** and T.B. for the cheaper item. **Defendant James Baggio** and T.B. did not alert the cashier that the box contained the more expensive product. **Defendant James Baggio** and T.B. failed to pay for the expensive items, instead paying the lower, incorrect price.

21. It was further part of said conspiracy that upon exiting the store, **Defendant James Baggio** and T.B. posted the stolen merchandise for sale on eBay, the online auction website, through T.B.'s account.

22. It was further part of said conspiracy that once a sale of the stolen merchandise was made, T.B. mailed the merchandise to purchasers across the United States from her residence using the United States Postal Service.

23. Purchasers paid for the merchandise by wiring money to T.B.'s PayPal account, which was linked to, among other accounts, T.B.'s bank account.

24. It was further part of said conspiracy that **Defendant James Baggio** and T.B. split the proceeds from the sales of the stolen merchandise.

25. It was further part of said conspiracy that **Defendant James Baggio** and T.B. stole approximately \$100,000 worth of product from Sam's Club locations in seven different states, and sold that product to purchasers across the United States.

OVERT ACTS

26. In furtherance of and to effect the object of the conspiracy, one or more of the co-conspirators committed and caused to be committed one or more of the following overt acts in the Eastern District of Missouri and elsewhere:

a. On or about June 15, 2012, **Defendant James Baggio** and T.B. stole a number of products, including iPads and a pet product known as Frontline, from the Sam's Club located at 13455 Manchester Road in Des Peres, Missouri.

b. On or about June 15, 2012, **Defendant James Baggio** and T.B. used T.B.'s Sam's Club membership with account number ending in 3756 to purchase merchandise from the Sam's Club located at 13455 Manchester Road in Des Peres, Missouri in the amount of \$95.69.

c. On or about June 15, 2012, **Defendant James Baggio** and T.B. stole a number of products, including a pet product known as Frontline, from the Sam's Club located at 2855 South Service Road in St. Charles, Missouri.

d. On or about June 15, 2012, **Defendant James Baggio** and T.B. used T.B.'s Sam's Club membership with account number ending in 3756 to purchase merchandise from the Sam's Club located at 2855 South Service Road in St. Charles, Missouri in the amount of \$46.05.

e. On or about June 15, 2012, T.B. placed stolen merchandise, including iPads and a pet product known as Frontline, for sale on her eBay account "dynasty041073."

f. On or about July 11, 2012, T.B. shipped stolen merchandise from a United States Post Office located at 3906 Oakland Avenue, St. Joseph, Missouri.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

Stephen Casey #58879MO
Assistant United States Attorney